

TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS

DIVISION 2: ANIMALS

Chapter 1: Animal Control

Sections:

- 32.0101 Definitions.
- 32.0102 Impoundment of Animals - Persons Charged with Enforcement.
- 32.0103 Disposition of Impounded Animals.
- 32.0104 Record of Impounded Animals
- 32.0105 Disposition of Dead Animals.
- 32.0106 Deleted by Ordinance 2100.
- 32.0107 Abandoned Animals.
- 32.0108 Control of Animals.
- 32.0109 Female Dogs and Puppies.
- 32.0110 Wild, Exotic or Nondomestic Animals in Captivity.
- 32.0111 Licensing of Animal Establishments Other Than Dog Kennels and Catteries.
- 32.0112 Application for a License to Operate.
- 32.0113 General Regulations Relating to Animals.
- 32.0114 Expiration of License.
- 32.0115 Renewal of License.
- 32.0116 Inspection.
- 32.0117 Revocation of License.
- 32.0118 License not Transferable.
- 32.0119 Animals Which Habitually Make Noise.
- 32.0120 Penalties.
- 32.0121 Injunction.

32.0101 Definitions.

(a) The term "animal" as used herein shall mean any mammal, poultry, fowl, reptile, fish, or any other living creature.

(b) The term "abandoned animal" as used herein shall mean any animal left unattended for a minimum of twenty-four (24) hours without receiving proper care and/or treatment by its owner or caretaker.

(c) The term "animal control officer" as used herein shall mean any person duly appointed by the Health Officer and authorized to act on his/her behalf in the enforcement of the Animal Care and Control Program.

(d) The term "animal menagerie" as used herein shall mean any place where wild animals are kept or maintained for private or commercial purposes, including places where wild animals are boarded, trained, or kept for hire.

(e) The term "potentially dangerous animal" as used herein shall mean any of the following:

(1) Any animal which, unprovoked, on two separate occasions within any thirty-six month period, engages in any behavior that requires defensive action by any person to prevent bodily injury, but only if the person and the animal are off the property of the owner or keeper of the animal when the animal behavior occurs.

(2) Any animal, which, unprovoked, bites a person causing a less than severe injury, as defined in subsection (y) of this section.

(3) Any animal, which, unprovoked, kills, seriously bites or otherwise inflicts or causes injury to a domestic animal, but only if such occurs off the property of the owner or keeper of the attacking animal.

(f) The term "animal shelter" as used herein shall mean all places where impounded animals are to be confined, whether by the County or by a private person or persons under contract or agreement with the County.

(g) The term "vicious animal" as used herein shall mean any of the following:

(1) Any animal seized under section 599aa (fighting animals) of the California Penal Code and fighting dogs as provided in subdivision (a) of section 597.5 of the California Penal Code when there has been a conviction of the owner or keeper of the subject dogs under that subdivision of the Penal Code.

(2) Any animal which, unprovoked, inflicts severe injury on a human being, as such injury is defined in subsection (y) of this section, or kills a human being.

(3) Any animal previously determined and currently listed as a potentially dangerous animal, which, after its owner or keeper has been notified of this determination, continues the behavior described in subsection 32.0101(e) or is maintained in violation of section 32.1405 of this Code.

(h) The term "wild animal" as used herein shall mean any wild, exotic, dangerous or venomous animal, including but not limited to mammals, fowl, fish, or reptile.

(i) The term "cat" as used herein shall mean all domesticated felines.

(j) The term "chief officer" as used herein shall mean the San Bernardino County Public Health Program Manager assigned to the Animal Care and Control program or any other person so designated.

(k) The term "dog" as used herein shall mean any dog of any age, female or male.

(l) The term "altered dog" as used herein shall mean any dog which has been certified in writing by a veterinarian as being nonreproductive.

(m) The term "guard dog" as used herein shall mean any dog used for the purpose of guard duty.

(n) The term "unlicensed dog" as used herein shall mean any dog for which a current license has not been paid, or to which the current tag provided for in this Code is not attached.

(o) The term "enclosure" as used herein shall mean a pen or structure suitable to confine an animal determined potentially dangerous or vicious. The enclosure shall be designed to prevent the animal from escaping and to prevent the entry of young children and other persons.

(p) The term "health officer" as used herein shall mean the San Bernardino County Health Officer or any other person duly authorized to act on his/her behalf.

(q) The term "impoundment" as used herein shall mean the picking up of an animal by a duly authorized person and bringing it into an animal shelter for confinement, custody, and disposition.

(r) The term "leash" as used herein shall mean any rope, leather strap, chain or other material not exceeding six feet in length being held in the hand of a person capable of controlling the animal to which it is attached.

(s) The term "license tag" as used herein shall mean a piece of metal or other durable material inscribed with a date and number which has been issued by the County or a municipal dog licensing agency.

(t) The term "livestock" as used herein shall mean all domesticated bovine, equine, caprine, ovine and porcine species.

(u) The terms "owner or keeper" as used herein shall mean any person who owns or maintains an animal, or who harbors or keeps an animal for fifteen (15) or more consecutive days, except a veterinarian or an operator of a grooming shop, a kennel or a pet shop engaged in the regular practice of this business.

(v) The term "perimeter fence" as used herein shall mean a fence which shall guard and contain the enclosure and shall be totally separate from such enclosure and shall be a minimum of six (6) feet in height and shall be at least six (6) feet from the enclosure on all sides to prevent contact between the animal and the public.

(w) The term "person" as used herein shall mean any person, firm, partnership, corporation, trust, or any association of persons.

(x) The term "registration" as used herein shall mean that any animal which has been declared Potentially Dangerous or Vicious shall be registered as such with the Animal Care and Control Program.

(y) The term "severe injury" as used herein shall mean any physical injury to a human being, which results in muscle tears or disfiguring lacerations or which requires multiple sutures or corrective or cosmetic surgery.

(z) The term "shelterkeeper" as used herein shall mean the San Bernardino County Public Health Animal Shelter Supervisor assigned to the Animal Care and Control program or any other person so designated by the Health Officer.

(aa) The term "stray" as used herein shall mean any animal with no identification or with no known owner or keeper.

Adopted Ordinance 962 (1961); Amended Ordinance 1455 (1968); Amended Ordinance 1603 (1970); Amended Ordinance 1764 (1972); Amended Ordinance 3804 (2000); Amended Ordinance 3908 (2004);

32.0102 Impoundment of Animals – Persons Charged with Enforcement.

(a) The Sheriff and his deputies, Animal Control Officers, every Shelterkeeper and any person employed or designated for that purpose by the Board of Supervisors are hereby authorized and empowered to:

(1) Capture, receive, take up and impound:

(A) Any dog or other animal found running at large in violation of this Code or of any law of the State of California.

(B) Any dog or other animal which is harassing any person.

(C) Any dog, which is harassing an animal upon the premises of any person's property or public place, including the owner's or keeper's property.

(D) Any animal, including wild animals, being kept or maintained within a person's property in violation of this Code or of any law of the State of California.

(E) Stray or abandoned animals.

(F) Dogs, which are not licensed or not vaccinated, in violation of this Code.

(G) Any animals delivered for disposition, by its owner, when the owner has paid the required fee and signed forms releasing all title and interest in the animal.

(H) Any animal which cannot be cared for by its owner or custodian because of the owner or custodian's imprisonment, illness, bankruptcy, litigation, or other contingency, or because the owner or custodian cannot be found.

(2) Regularly and adequately provide food, water and otherwise care for all animals impounded under the provisions of this Code.

(3) Take up and impound any sick or injured animal whose owner is unknown or unidentified; to humanely destroy any such injured animal, when, in the opinion of the officer, registered veterinary technician or a licensed veterinarian, such destruction is necessary and humane; and make proper disposition of such destroyed animal.

Should the owner of an injured or destroyed animal be identified, the owner shall be immediately notified of its injury or destruction.

(4) Perform any other acts necessary to carry out the provisions of this Code and of the laws of the State of California relating to animals.

(b) The officer having custody of any impounded animal may, by humane methods, summarily destroy the animal if:

(1) the animal is suffering from any incurable or contagious disease as certified to by a licensed veterinarian or registered veterinary technician and the destruction has been approved by the Chief Officer, or designee, of the Animal Care and Control Program;

(2) the animal is in the field and it is too severely ill or injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal and the destruction is approved by the Chief Officer, or designee, of the Animal Care and Control Program;

(3) the animal is in the act of killing, wounding or persistently pursuing a human being.

(c) Except as provided in Food and Agriculture Code sections 3175 or 31108 for owner redemption, any officer having in his/her custody any unlicensed, impounded animal not suffering from any infectious or communicable disease may release the animal to any adult person who will pay the pound fees and charges as specified in the San Bernardino County Code Schedule of Fees. If a resident of an unincorporated area, the person shall also pay rabies vaccination and license fees for a dog.

(d) All the provisions of this Code pertaining to impounded, unlicensed dogs, except the licensing provisions thereof, shall apply to impounded cats.

(e) The Shelterkeeper or any duly authorized person shall have the right to receive and dispose of animals delivered into his/her possession by their owners and shall charge a fee for each animal delivered into custody pursuant to San Bernardino County Code Schedule of Fees.

(f) Any impounded animal that has not been redeemed or adopted may be disposed of by euthanasia in accordance with State and County laws.

Adopted Ordinance #962 (1961); Amended Ordinance #1455 (1968); Amended Ordinance #1603 (1970); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0103 Disposition of Impounded Animals.

(a) An impounded animal may be redeemed by payment of a specified shelter fee in addition to the daily charges and other charges, if any, for each day the animal has been impounded, pursuant to the San Bernardino County Code Schedule of Fees.

(b) Any dog over the age of four (4) months that has been impounded shall not be released from the pound, or from any shelter that is under contract with the County of San Bernardino, unless it shall first be licensed in accordance with the provisions of this Code.

(c) Any officer acting under the provisions of this Code and impounding a licensed dog or otherwise identifiable animal, shall give notice of the impounding of the animal in person or by first class mail, postage prepaid, to the last known address of the owner. If the animal is not redeemed and the owner or possessor does not pay the license fee, obtain a license tag, and pay the fees required as specified in this Code after notice has been given, the officer shall destroy or dispose of such animal.

(d) In accordance with California Food & Agriculture Code, sections 30503 (c) (dogs: spay/neuter), 31108 (b) (impounded dog) and 31752 (b) (cats: spay/ neuter) in which the County is authorized to release any stray dog or cat that is impounded prior to it being euthanized to an animal rescue group that has entered into an agreement with the County, the adoption fee and spay/neuter deposit shall be waived on said animal and authority is given to the Health Officer to enter into such agreements.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0104 Record of Impounded Animals.

Each Shelterkeeper, Animal Control Officer, or any other duly authorized person, shall keep a record of all animals impounded by him/her that shall show:

(a) Date of impoundment.

(b) License tag number, if any.

(c) Complete description of animal.

(d) Date and manner of its disposal, and

(e) If redeemed, sold or rescued, the name and address of the person by whom redeemed, purchased or rescued, the amount of all fees and other monies received or collected by him/her and the disposition thereof.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0105 Disposition of Dead Animals.

When any dog or other animal owned by or in the custody or control of any person or found in any person's private property dies, such person shall, within twenty-four (24) hours, provide for the burial, incineration, or other disposition of the body of such dead animal in a safe and sanitary manner.

It shall be unlawful for any person to dispose of the body of such dead animal in any public or private property, other than his own, without proper authorization from the County Health Department.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0106 Deleted by Ordinance 2100 (1976).

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #1767 (1972); Amended Ordinance #1779 (1972); Amended Ordinance #1821 (1973); Amended Ordinance #3804 (2000);

32.0107 Abandoned Animals.

It shall be unlawful to abandon any animal in the County of San Bernardino.

Adopted Ordinance #962 (1961); Amended Ordinance #1603 (1970); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0108 Control of Animals.

(a) No person owning or having control of any animal shall permit such animal to stray, to run at large upon any private or public street, sidewalk, schoolground, public park, playground, place of public assembly or any other public place or upon any unenclosed private lot or other unenclosed private place or upon any private property without the consent of the owner or person in control thereof. Parkways comprising the area between the street and sidewalk shall be included as private property for purposes of this section.

(b) Any person who finds any animal which has strayed or is running at large upon his/her own property or any other place contrary to the provisions of this chapter, may take possession of and hold same provided, within four (4) hours

after securing possession thereof, he/she shall notify the Health Officer or Animal Control Officer or the Sheriff of the fact that he/she has such animal in his/her possession and give the Health Officer, Animal Control Officer, or Sheriff full information in regard to the animal, including a complete description of the animal and license number, if any, and shall surrender the animal to the Health Officer, Animal Control Officer, or Sheriff upon demand.

(c) No person may lawfully bring his/her dog out of his/her property unless:

(1) The dog is restrained by a leash and is in the charge of a person competent to restrain the dog; or

(2) The dog is properly restrained and enclosed in a vehicle, cage or similar enclosure.

(d) Any dog found running at large, running loose or unrestrained may be impounded by the Health Officer, Animal Control Officer, or Sheriff for a period of not less than ninety-six (96) hours. Any unclaimed dogs shall then be destroyed or disposed of in accordance with section 32.0103 of this Code.

(e) There shall be a reclaiming fee for all impounded dogs, as set forth in the San Bernardino County Code Schedule of Fees.

(f) A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, any such dog to defecate or urinate upon a public street or sidewalk; the floor of any common hall in any apartment house, hotel or other multiple dwelling; upon any entrance way, stairway, or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building, or other building used by the public.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #1767 (1972); Amended Ordinance #1779 (1972); Amended Ordinance #1821 (1973); Amended Ordinance #3804 (2000);

32.0109 Female Dogs and Puppies.

(a) It shall be unlawful for any person to permit any female dog that is owned, harbored or controlled by that person, when said female dog is in heat or in season or breeding condition, to be unconfined and in such a manner that it attracts stray male dogs.

(b) All dogs under four (4) months of age and until vaccinated shall be confined to the premises of or kept under physical restraint by the owner or keeper. Nothing in this chapter shall be construed to prevent the sale or transportation of a puppy younger than four (4) months of age.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #2100 (1976); Amended Ordinance; Amended Ordinance #3804 (2000);

32.0110 Wild, Exotic or Nondomestic Animals in Captivity.

No person shall have, keep, maintain, breed, sell, trade or let for hire, any wild, exotic, dangerous, or nondomestic animal without first applying to any receiving special authorization from the Health Officer. The keeping or maintenance of such animals shall also conform to the appropriate zoning codes as well as laws and regulations promulgated by the State of California and the Federal government.

The Health Officer may authorize the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal when, in his or her opinion, any such animal may be kept or maintained without endangering the safety of any person, any animal or property, nor create a nuisance; provided however, that the Health Officer may require any such animal be properly caged, tethered, or restrained, and may create such additional requirements as may be necessary and proper under the circumstances. The Health Officer shall also require that the owner or keeper of any privately owned wild, exotic, dangerous or nondomestic animal pay a license fee as specified in the County Schedule of Fees; the initial fee to be paid at the time of application. The Health Officer may revoke such authorization when, in his or her opinion, the safety of any person, other animal or property is endangered, or the keeping of such animal creates a nuisance.

The provisions of this section shall not be applicable to licensed circuses, carnivals, zoos, or other collections of wild animals under jurisdiction of a city, or the State or Federal government.

Adopted Ordinance #962 (1961); Amended Ordinance #1512 (1969); Amended Ordinance #1764 (1972); Amended Ordinance #2995 (1986); Amended Ordinance #3804 (2000);

32.0111 Licensing of Animal Establishments Other Than Dog Kennels And Catteries.

No person shall conduct or operate any pet shop, pet grooming parlor, public aquarium, game bird farm, petting zoo, wild animal breeding or boarding facility, or animal menagerie, without first obtaining a license from the County Health Officer. Any such establishment shall also conform to the appropriate zoning codes.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0112 Application for a License to Operate.

An application for a license to operate a pet shop, pet grooming parlor, public aquarium, game bird farm, petting zoo, wild animal breeding or boarding facility, or animal menagerie, shall be made in writing to the Health Officer. Not later than ten (10) days after receipt of the application by the Health Officer, the facilities for which said license is requested will be examined by the Health Officer. No license shall be issued or renewed unless and until all general regulations relating to animals, as set forth by the Health Officer, are complied with, and an annual fee as specified in the County Schedule of Fees is paid. Any building or structure used in the housing or maintaining of said animals shall be approved by the County Building Department.

32.0113 General Regulations Relating to Animals.

Every person within the County of San Bernardino who owns, conducts, manages, or operates any animal establishment for which a license is required by this chapter, shall comply with each of the following conditions:

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals.

(b) All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(c) All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.

(d) Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals.

(e) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(f) Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals.

(g) All animal rooms, cages, and runs shall be of sufficient size to provide adequate space for clean water and proper housing for animals kept therein.

(h) All animal runs shall be approved construction and shall be provided with adequate waste and manure disposal and for drainage into an approved sewer or individual sewer disposal installation.

(i) All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Health Officer.

(j) Every precaution shall be taken to avoid the production of nuisances and any hazard to the public health as a result of the presence of any wild, dangerous and/or exotic animals.

(k) Every violation of applicable regulation shall be corrected within a reasonable time to be specified by the Health Officer.

(l) Failure of the applicant for said license to comply with any of the foregoing conditions shall be deemed just cause for the denial of any license, whether original or renewal.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0114 Expiration of License.

Any license issued under this chapter shall expire at the end of such fiscal year in which the license is issued.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0115 Renewal of License.

The procedure for the renewal of any license shall be subject to the same conditions and shall be done in the same manner as the issuance of an original license.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0116 Inspection.

The Health Officer shall have the authority to enter upon any area or premises to enforce the provisions of this chapter.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0117 Revocation of License.

The Health Officer may revoke any license issued pursuant to this chapter, whenever he or she shall determine from an inspection that any animal establishment fails to meet all conditions contained in section 32.0113, or for any other violation of this chapter.

Any revocation of a license shall be effective until all conditions of section 32.0113 have been met and complied with or such other violation of this chapter has been remedied, to the satisfaction of the Health Officer and written notice of this fact has been given to the licensee. Upon receipt of notice of compliance the license shall be deemed in full force and effect for the remainder of the original term for which issued.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0118 License Not Transferable.

Licenses issued pursuant to this chapter shall not be transferable, except when the owner of such property sells the original property that included a licensed animal establishment within such property, and the licensed animal establishment remains within the confines of the original property.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0119 Animals Which Habitually Make Noise.

(a) Excluding noise from property not zoned for residential purposes (property without "R" in its zoning classification), it shall be unlawful for any person owning or having control of one or more of any animal, either willfully or through failure to exercise proper control, to allow such animal to habitually bark, howl, crow, or make any other loud noises in such a manner as to at any time, day or night, cause general annoyance or discomfort to a neighboring inhabitant. The standard of general annoyance or discomfort is a "reasonable person" standard, i.e., the noise is such that a reasonable person, under the same or similar circumstances, would suffer annoyance or discomfort.

(b) Evidence of a violation may be based upon complaints from neighboring inhabitant(s), hereby defined as persons living within two hundred (200) yards of such animal owner or keeper's premises, or if said animal wanders outside of said premises, within two hundred (200) yards of any place where such animal wanders outside of said premises.

If there is more than one neighboring inhabitant, as defined above, evidence of a violation requires complaints from at least two (2) neighboring inhabitants living in separate residences.

If there is only one neighboring inhabitant, evidence of a public nuisance may be based on a complaint from only one (1) person or persons in that household.

If there is more than one neighboring inhabitant, as defined above, evidence of a public nuisance may, upon application of a single complaining neighboring inhabitant, be established by that person by seeking a waiver from the chief officer of the two-complainant requirement. To obtain such a waiver, a single complainant shall provide to the Animal Control Officer additional credible evidence of a violation, which may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons.

If the complainant(s) lives in excess of two hundred (200) yards of such animal owner or keeper's premises, that person or those persons may establish evidence of a violation by seeking a waiver from the chief officer of the two hundred (200) yard requirement. To obtain such a waiver, a complainant or complainants living more than two hundred (200) yards from the noise shall provide to the Animal Control Officer additional credible evidence that he/she/they are experiencing a level of noise comparable to a person residing within two hundred (200) yards of the noise, which evidence may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons living a similar distance away from the noise.

(c) The Animal Control Officer will substantially follow the procedures below in responding to all complaints of noisy animals, however, the procedures and timelines set forth herein are discretionary and not mandatory. Should a particular stage in the process take longer than the period set forth, or should exceptional circumstances require any of the periods be shortened, the process may proceed to the next step without the necessity of repeating any prior step.

(1) Upon receiving an initial complaint from any person, either orally or in writing, the owner(s) or keeper(s) of the animal that may be violating this section will be sent a courtesy abatement letter. The letter will notify the owner(s) or keeper(s) that San Bernardino County Animal Care and Control has received a complaint or complaints regarding his/her/their animal(s) that may be in violation of this section, describing the substance of the complaint. The letter will also explain the process and potential costs/consequences for all parties of the process going to citation, will encourage the parties to attempt to resolve the complaint themselves, and, if that is unsuccessful, to seek mediation services, and will provide information on free and low cost mediation services available. Upon sending out the initial courtesy abatement letter, Animal Care and Control personnel will enter the date and address of the animal owner or keeper in the Nuisance Animal Noise Letter Log that is kept on file. A blind copy of the letter will be sent to the complainant, with a cover memo requesting the complainant contact Animal Care and Control if the noise has not abated by the end of the two-week period specified in the letter. At the same time the initial letter is sent, the complainant will be sent a Nuisance Animal Noise Information Sheet along with two Nuisance Animal Noise Complaint Forms, with instructions that, if the nuisance has not abated by the end of the two week period, to complete the form and have at least one neighboring inhabitant in a separate household complete the second form. The complainants must complete and sign the forms under penalty of perjury, and return them to Animal Care and Control. The letter shall also contain a Waiver Application Form, and advise a single complainant, or complainants or a complainant that lives further than two hundred (200) yards from the animal owner(s) or keeper(s), that he/she/they may, by filling it out, obtain from the chief officer a waiver of the two-complainant requirement. Upon sending out the Nuisance Animal Noise Information Sheet and Nuisance Animal Noise Complaint Form, Animal Care and Control personnel will enter the date, complainant's name and address and the alleged violator's name and address on the Nuisance Animal Noise Complaint Form Log that is kept on file.

(2) If, at the end of the two-week period, the complainant(s) advise(s) Animal Care and Control that the noise is not abated, the complainant(s) will be advised that he/she/they may file a formal written complaint by submitting the Nuisance Animal Noise Complaint Form. At the time of this second contact, in which the complainant(s) indicate(s) that a nuisance animal noise problem still exists, the Nuisance Animal Noise Letter Log will be checked to verify that an initial letter has been sent to the animal owner or keeper.

(3) Upon receipt of two or more completed Nuisance Animal Noise Complaint Forms, or one if there is only one neighboring inhabitant or a waiver of the two-complainant rule is granted, an Animal Control Officer will be assigned to serve a Notice of Violation on the animal owner(s) or keeper(s). The notice shall be served in person, or sent first class mail, postage prepaid, and shall advise the animal owner or keeper that he/she will be given two-weeks from the mailing or service of the notice to comply with the provisions of this section in order to avoid further enforcement action. A file will be kept on the residential address of the animal owner or keeper. The completed Nuisance Animal Noise Complaint Form(s) and a copy of the Notice of Violation will be kept on file. A blind copy of the Notice of Violation will be sent to the complainant(s), with a cover memo requesting the complainant(s) contact Animal Care and Control if the noise has not abated by the end of the two-week period specified in the Notice of Violation.

(4) If, at the end of the two-week period specified in the Notice of Violation, the complainants or complainant advises Animal Care and Control that the noise is not abated, a citation will be issued to the violator. The complainants or complainant at that stage must be willing to have his/her/their name(s) appear on the citation in the area designated for "arresting officer". An Animal Control Officer will be assigned to issue a citation to the animal owner or keeper for violation of this section on behalf of the complainant(s). The Animal Control Officer will sign the citation in the area designated for "issuing officer".

(5) Each subsequent day, or portion thereof, that an animal owned or kept by a party receiving a Notice of Violation creates an animal noise nuisance beyond the two-week period specified in (4) above, shall constitute a separate violation and a separate citation may be issued. For each citation issued, steps (6) and (7) below shall be followed.

(6) Once a citation or citations have been issued to the animal owner or keeper, the issuing Animal Control Officer must complete an Investigation Report. The immediate supervisor or Supervising Animal Control Officer II will review the court's copy of the citation or citations and the completed Investigation Report. After the report has been approved and typed, the following documents will be attached and forwarded to the appropriate court:

(A) Court's copy of the citation or citations.

(B) Investigation Report.

(C) Copy of the Notice of Violation.

(D) All copies of the Nuisance Animal Noise Complaint Form or forms received from the complainant or complainants, if there is more than one complainant.

(7) A complete copy of the documents that are forwarded to the appropriate court will be placed in the file kept on the animal owner or keeper.

Adopted Ordinance #3280 (1988); Amended Ordinance #3804 (2000);

32.0120 Penalties.

(a) Any person, firm, partnership, corporation or other entity violating any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof such violation is in existence shall be a new and separate offense. Any person so convicted shall be:

(1) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense.

(2) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both.

(4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(b) Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

(c) In addition to the above penalties, the court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

(d) The owner, manager, and operator of every activity or facility subject to this chapter shall be responsible for any violation of this chapter by an employee.

Adopted Ordinance #3280 (1988); Amended Ordinance #3804 (2000);

32.0121 Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Health Officer, an action for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court that has jurisdiction to grant such relief to abate or remove such illegal activity and to restrain any person from engaging in such illegal activity. This remedy shall be in addition to any other civil or criminal relief or penalty.

Adopted Ordinance #3804 (2000);